

ALBERT PLLC

I'm glad the parties have resolved the case (and, I presume, the issue of Plaintiff's counsel's expenses for the April 12 conference), but there remains one open issue: Mr. Liebowitz's failure to document the death in the family ^{733 Third Ave, Fl 15} New York, NY 10017-3293 that he says caused him to miss the conference. (See Doc. 38.). ^{646.790.5840} He was supposed to address that issue by May 3, but I will give him until May 9. Even if Defendant has been made whole, I still need to satisfy myself that there is no need for disciplinary or other inquiry.

SO ORDERED.

May 6, 2019


CATHY SEIBEL, U.S.D.J.

5/7/19

BY ECF AND ELECTRONIC MAIL

The Hon. Cathy Seibel
United States District Judge
United States District Court
for the Southern District of New York
300 Quarropas St.
White Plains, NY 10601-4150

Re: Berger v. Imagina Consulting (18 Civ. 8956 (CS)(JCM))

Dear Judge Seibel:

I represent the defendant Imagina Consulting Inc. in this action. I write, in an abundance of caution, in response to Mr. Liebowitz's letter of May 3, 2019.

The parties have indeed reached a non-confidential settlement. The settlement agreement requires (in part) that Mr. Liebowitz and his firm to pay my firm a portion of the attorney's fees and costs that my client has incurred in defending this action. I am awaiting payment of that amount before Mr. Liebowitz is free to file the stipulation of dismissal to which he referred.

Mr. Liebowitz omitted to mention in his letter that the agreement expressly provides that "nothing in this Agreement constitutes a discharge, waiver or settlement of any obligation that Jason Berger or his attorneys may have to the Court, to any disciplinary body, to any other tribunal, or to any other person." That provision was intended so as to not interfere with the Court's own process and independent authority in reviewing the matters raised by the Court's own motion [ECF Minute Entry entered on 4/19/2019 at 12:29 PM EDT], Mr. Liebowitz's submission [ECF Document No. 36], and the Court's Memo Endorsement entered on 5/2/2019 at 10:09 AM EDT [ECF Document No. 38].

Respectfully submitted,


Craig J. Albert

Copy to Richard Liebowitz, Esq. (via email)